

Docket No. 020292

Serial No. 10/688,383

REMARKS/ARGUMENTS

Claims 1-27 remain pending in the application. The claims were rejected in the Office Action dated March 7, 2006. Applicant respectfully traverses the rejections and requests reconsideration and allowance of all pending claims.

Discussion of Rejections Under 35 U.S.C. §103

Claims 1-3, 5, 8-20 and 24-27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,546,258 to Nohara et al. (hereinafter Nohara) in view of U.S. Patent Application Publication No. 20030129992 to Koorapaty et al. (hereinafter Koorapaty). Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nohara in view of Koorapaty in further view of U.S. Patent Application Publication No. 20020039905 to Remy (hereinafter Remy). Claims 6-7 and 21-23 were rejected as allegedly unpatentable over Nohara in view of Koorapaty in further view of U.S. Patent Application Publication No. 20030148774 to Naghian et al. (hereinafter Naghian).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art reference, or references when combined, must teach or suggest all of the claim limitations.

Applicant contends that a *prima facie* case for obviousness has not been established and respectfully traverses the rejections. In particular, Applicant contends that the references, either alone or in combination, fail to teach or suggest all claimed features. Additionally, there is no motivation to modify the references in a manner that would result in Applicant's claimed invention.

Claim 1 recites "[a] method for identifying transmitters in a wireless communication system." The method includes "determining a transmitter for each received signal." The process of determining a transmitter for each received signal includes "obtaining predicted power for each candidate transmitter in the list, and identifying the transmitter for the received signal based on predicted powers for the candidate transmitters and measured power for the received signal."

Docket No. 020292

Serial No. 10/688,383

The combination of Nohara with Koorapaty fails to describe the claimed combination. Additionally, there is no motivation to combine the teachings in the manner suggested by the Examiner.

The Examiner concedes that "Nohara does not specifically teach obtaining predicted power for each candidate transmitter in the list, and identifying the transmitter for the received signal based on predicted powers for the candidate transmitters and measured power for the received signal." *Office Action*, page 2. The Examiner alleges Koorapaty describes these claimed features.

The Examiner states that "Koorapaty teaches *identifying position* based on predicted received signal strength values and measured received signal strength values," and cites to Koorapaty paragraph [0011]. *Id.* (*emphasis added*). Although Koorapaty may describe identifying the *position* of a mobile station based on RSS measurements, Koorapaty fails to teach or suggest any situation in which the predicted signal strength values and the measured signal strength values are used in "identifying the *transmitter* for the received signal." In the example described in Koorapaty, paragraph [0011], the RSS values are not used to identify the base station (transmitter). Clearly, Koorapaty fails to teach or describe identifying the base stations based on the RSS values. Koorapaty fails to describe using measured signal strength values to identify the source of a received signal.

Therefore, because the Examiner concedes that Nohara fails to teach or suggest identifying the transmitter in the manner claimed, and Koorapaty fails to describe identifying the transmitter for the received signal based on predicted powers for the candidate transmitters and measured power for the received signal, the references, whether alone or in combination, fail to describe the all claimed features. Neither of the cited references teaches nor suggests "identifying the transmitter for the received signal based on predicted powers for the candidate transmitters and measured power for the received signal." The combination of the references cannot teach nor suggest the features absent from both references. Applicant respectfully requests reconsideration and allowance of claim 1.

Additionally, there is no motivation to modify or combine the teachings in a manner that would result in Applicant's claim 1. The Examiner cites as the motivation for combination "an improved technique for determining approximate locations of mobile units in emergency situations." *Office Action*, at 3.

Docket No. 020292

Serial No. 10/688,383

However, a desire to determine the location of a mobile station is an improper motivation, because Nohara already describes having the ability to determine the location of the mobile station. Indeed, the methods and apparatus described in Nohara rely on the ability to determine the location of the mobile station prior to attempting to establish communications with the base stations. *See for example*, Nohara, FIG. 3, block 202 (obtain present position by GPS followed by select 3 base stations). Nohara states: "when the main power of the portable telephone terminal is turned on, the process of selecting the base station is started....[T]he GPS receiving circuit 31 measures the present position of the portable telephone terminal...Then the position/scramble code converting circuit 32 searches the base station which is closest to the present position as the likeliest candidate." *Nohara*, at Col. 9, ll. 8-17.

Thus, one would not be motivated to combine the teachings of Nohara with Koorapaty in order to have the ability to determine the position of the mobile station, because Nohara already requires that the mobile station determine its position before the code searching process can begin. One would not be motivated to modify a reference teaching to perform a task that it already has the ability to perform. Nohara fails to provide any suggestion that the GPS position location used in the mobile station is in any way inadequate.

Therefore, claim 1 is believed to be allowable for the independent reason that there is no motivation to combine the references in the manner suggested by the Examiner. Applicant respectfully requests reconsideration and allowance of claim 1.

Claims 13, 19, and 27 include features similar to those described above in relation to claim 1 and are believed to be allowable at least for the same reasons described above in relation to claim 1. Applicant respectfully requests reconsideration and allowance of claims 13, 19, and 27.

Claims 2-12, 14-18, and 20-26 depend, either directly or indirectly, from one of claims 1, 13, and 19 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Each of the dependent claims may have individual bases for patentability beyond those discussed above in relation to the independent claims. It is not necessary to discuss the patentable distinctions of each dependent claim because of the allowability of the base claims from which they depend. However, Applicant provides some illustrative examples.

Docket No. 020292

Serial No. 10/688,383

Claim 10 features "the list of candidate transmitters for each received signal comprises a list of base station transceivers (BTSs) with same PN offset." Neither Nohara nor Koorapaty describes a candidate list in which the candidate transmitters have the same PN offsets. Nohara mentions candidate base stations based on proximity and not PN offsets. Koorapaty fails to describe any candidate lists based on PN offsets.

Claim 11 features "obtaining predicted propagation delay for each candidate transmitter in the list." This feature is not taught nor suggested by the cited references. Indeed, the Examiner fails to identify any teaching or suggestion in the references that mentions this claimed feature, and merely provides a generalized motivation for modifying the references to include this specific claimed feature. The Examiner fails to point out how the generalized motivation would lead one of ordinary skill in the art to the particular claimed feature.

Claim 12 features "obtaining a weighted sum of the power delta and the propagation delay delta for each candidate transmitter." The Examiner states that Koorapaty describes a weighted sum. However, Koorapaty fails to describe a weighted sum of a power delta or of a propagation delay delta. Instead, the cited portion of Koorapaty described calculating a covariance matrix.


Other dependent claims have similar patentable distinctions, but it is unnecessary to discuss each in detail at this time. Applicant respectfully requests reconsideration and allowance of claims 2-12, 14-18, and 20-26.

Applicant believes that all claims pending in the application are allowable. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

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